

1 MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

4 EUMI L. CHOI (WVBN 722)
Assistant United States Attorney

6 150 Almaden Boulevard, Suite 900
7 San Jose, CA 95113
Telephone: (408) 535-5061
Fax: (408) 535-5066
E-Mail: Eumi.Chi@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 Based upon a stipulation of the parties, and pursuant to Federal Rule of Criminal
20 Procedure 16(a)(1)(E), the Court ORDERS as follows:

21 The Government shall allow the defense: (1) to independently inspect the below-listed
22 drug exhibits:

	<u>FBI Exhibit Number</u>	<u>DEA Laboratory Number</u>
23		
24	1B14	7146782
25	1B1	7148415
26	1B5	7151575
27	1B16	7159147

28 as reported in the Drug Enforcement Administration (DEA) Laboratory Reports, FBI Case

[PROPOSED] PROTECTIVE ORDER FOR RE-TESTING OF DRUG EXHIBIT
CR 10-00829-EJD

1 Numbers 245E-SF-136649 and 281D-SF-143479, dated June 25, 2008, September 18, 2008,
2 April 25, 2009, and August 25, 2010; (2) to collect and analyze a representative sample from the
3 above-listed exhibits to determine its weight, nature, and strength or purity; and (3) to inspect
4 and analyze the composite representative samples (if any) previously collected and analyzed by
5 the DEA to determine their weight, nature, and strength or purity, to the extent that said samples
6 have not been consumed during testing; and

7 IT IS FURTHER ORDERED that an FBI Special Agent or Task Force Officer shall
8 deliver the drug exhibits and DEA composite representative samples (if any) identified above to
9 Alejandro Corona, DEA License No. RF1093778, of Forensic Analytical Laboratories, Inc.,
10 located at 3777 Depot Road, Suite 409, Hayward, California. The DEA Western Laboratory
11 shall arrange the delivery of said exhibits no later than ten days after this Order is signed to the
12 FBI Special Agent or Task Force Officer for delivery to Alejandro Corona of Forensic
13 Analytical Laboratories, Inc.; and

14 IT IS FURTHER ORDERED that upon delivery of the exhibits identified above to the
15 defense expert, that an FBI Special Agent or Task Force Officer shall be present when the
16 defense expert inspects, weighs, and removes a representative sample from each of the exhibits
17 identified above for analysis. The representative sample shall be in the amount of 250 mg from
18 each of the above-described exhibits. The weight of the representative sample taken shall be
19 documented and signed by the defense expert and provided to the FBI Special Agent or Task
20 Force Officer in attendance. Upon the completion of the sample removal and weighing, the
21 defense expert shall forthwith return the remaining above-listed exhibits to the FBI Agent or
22 Task Force Officer in attendance; and

23 IT IS FURTHER ORDERED that the defense expert shall conduct the qualitative and
24 quantitative analysis (calculated as the hydrochloride salt form) and identification ordered
25 herein, and shall provide the Government with an Unsworn Declaration Under Penalty of
26 Perjury, under 28 U.S.C. § 1746, executed by the individual who conducted the analysis, or the
27 head of the facility where the analysis occurred, which states the quantity of the exhibits
28 consumed during testing, and either the weight of the exhibits returned to the Government, or a

1 statement that all of the sample was consumed during testing; and

2 IT IS FURTHER ORDERED that all remaining material of the samples, after testing, is
3 to be returned by Alejandro Corona of Forensic Analytical Laboratories, Inc. to the Federal
4 Bureau of Investigation, 450 Golden Gate Avenue, Suite 1300, San Francisco, CA 94102, Attn:
5 Evidence Control Center, via registered U.S. mail, return receipt requested, or approved
6 commercial carrier, within five (5) business days after the completion of analysis; and

7 IT IS FURTHER ORDERED, in accordance with Federal Rule of Criminal Procedure
8 16(b)(1)(B), that the defendant shall promptly provide the Government with a copy of the results
9 or report of the physical examinations and scientific tests or experiments which resulted from the
10 analysis conducted under this Order in the event that the defendant intends to use the results or
11 report in the defendant's case-in-chief at trial or in sentencing; and

12 IT IS FURTHER ORDERED that Alejandro Corona of Forensic Analytical Laboratories,
13 Inc. is to safeguard the representative samples received, preserving the chain of custody in a
14 manner to faithfully protect the integrity of each exhibit received.

15
16 DATED: December 7, 2011


EDWARD J. DAVILA
United States District Court Judge
Northern District of California

17
18 APPROVED AS TO FORM:

19
20 DATED: October 20, 2011

/s/
MANUEL U. ARAUJO
Attorney for Defendant

21
22
23 DATED: October 20, 2011

/s/
EUMI L. CHOI
Assistant United States Attorney